

The VA Caregiver Continuity Act

Introduced on December 15th, 2022, by Rep. Andy Kim (NJ-03) and Rep. Richard Hudson (NC-8)

In 2018, Congress passed the VA MISSION Act, a historic piece of legislation that greatly improved veteran access to VA healthcare. Under this bill, the VA expanded the Program of Comprehensive Assistance for Family Caregivers (VA caregiver program), a program to give monthly stipends to family members who provide home care for severely injured post-9/11 veterans, to include pre-9/11 veterans with service-connected medical issues. This expansion meant that thousands of spouses, family members, and friends of veterans could receive assistance from the VA for the work they did to help keep their veteran healthy.

In 2020 the VA proposed in a final rule to restructure the program by severely limiting eligibility for veterans, only accepting those who:

- Have a single or combined service-connected disability rating by the Department of Veterans Affairs (VA) of 70% or more; and
- Need personal care services, including an inability to perform an activity of daily living, or a need for supervision, for a minimum of six continuous months.

If fully put in place, these changes would have led to an estimated 90 percent of post-9/11 veterans losing their eligibility for the program: the population that this program was initially created for.¹ This means that thousands of caregivers of disabled veterans who have been a part of the VA caregiver program for years could lose their benefits overnight, leaving them on their own to find new care for their loved ones.

Fortunately, in March of 2022 under harsh scrutiny from the veteran community, the VA announced it would temporarily stop dismissing veterans from the program until a review of the impacts of the initial rule was done. In June, the VA then announced a pause in its reassessments, saying it will not discharge participants in the program or reduce stipends based on a reassessment. In September, the VA announced that it would extend benefits for the veterans and caregivers through September 2025.

Despite this good news, the livelihoods and support for thousands of veteran caregivers still hangs in the balance until the VA makes a final decision on eligibility.

The Veteran Caregiver Continuity Act

To address this threat, the Veteran Caregiver Continuity Act would require the VA to permanently extend benefits for those veterans who meet the VA's Priority One Group; veterans who have a service-connected disability rated by the VA as 50% or more, or have a service-connected disability that the VA has concluded makes a veteran unable to work, or received the Medal of Honor. This legislation would also require the VA to do outreach to any individuals that were previously informed they were at risk of being denied participation in the program or had their benefits impacted by the rule.

This legislation is the first step towards ensuring that no caregiver who takes care of our nation's most wounded veterans is removed from the program, nor have their benefits reduced unjustly.

¹ <https://www.military.com/daily-news/2022/03/25/va-was-path-kick-90-of-legacy-caregivers-out-of-program-review-suspension.html>